



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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AO-08-02

Reuben Kantor, Chief of Staff
Boston City Councilor Mike Ross
Boston City Hall
One City Hall Plaza
Boston, MA 02201

Re: Fundraising by Group of Delegates to Attend Democratic National Convention

Dear Mr. Kantor:

This letter is in response to your recent request for guidance regarding fundraising on behalf of several elected officials and other persons who will be attending the Democratic National Convention in Denver this summer as delegates.

You have stated that you are working with a group of five Democrats who will be delegates to the Convention. Two of the delegates, including your employer, Boston City Councilor Mike Ross, are elected officials. The other three are not elected officials, nor are they public employees. When the five individuals were elected as delegates they decided to call themselves the Coalition for Change (the Coalition).

Attendance at the Convention is expected to cost about \$3,000 for each delegate including travel, room, and board. You have asked several questions relating to the extent to which the campaign finance law regulates efforts that might be made by the Coalition to raise funds to meet these costs.

You have also stated that since you are a public employee, you will not be involved in fundraising for the group, to ensure compliance with M.G.L. c. 55, § 13, which prohibits solicitation or receipt of contributions "for any political purpose whatever" by non-elected public employees.

QUESTIONS

1. Are there limitations on a member of the Coalition, who is a candidate, raising money for the trip through the candidate's political committee?



2. If the delegates (elected officials and others) hold a fundraiser over the summer to raise the funds, what are the requirements related to the elected officials who wish to participate, raise funds, and then use a portion of that money to pay their way?
3. If the Coalition holds a fundraiser, would it need to open any special type of bank account?

RESPONSE

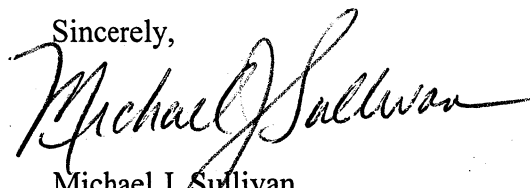
In response to your first question, this office has stated that under the Massachusetts campaign finance law, a candidate's political committee may make expenditures to pay for travel of a candidate who is also a delegate to a national political convention. See AO-92-14 and 970 CMR 2.06(6)(b)2. The expenditures are appropriate so long as they are reasonable and disclosed in the committee's campaign finance reports. Contributions to the candidate's committee would therefore be permitted under state law provided the contributions are disclosed and comply with the limits of the campaign finance law.

The Federal Election Commission, however, has issued regulations relating to contributions to and expenditures by delegates to national conventions. The regulations indicate that funds received and disbursements made to pay for travel expenses to the convention may be subject to restrictions under federal law since they "would be for the purpose of influencing a Federal election." See 11 CFR 110.14 and FEC AO 2000-38. The FEC has published a brochure providing guidance regarding the rules (www.fec.gov/pages/brochures/delegate.shtml). You should contact the FEC to ensure compliance. See 11 CFR 108.7(b) and 2 USC § 453.

Regarding your second and third questions, under the federal campaign finance law, a group of delegates raising and spending money to pay for travel to a national convention would be considered a "delegate committee" that would have to comply with special rules for such committees issued by the FEC.

Please contact OCPF if you have further questions regarding the Massachusetts campaign finance law.

Sincerely,



Michael J. Sullivan
Director

MJS:gb